

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

June 16, 2009

3:30 P.M. SCHEDULED SESSION

3:33 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Harold Collins, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Jim Strickland, Barbara Swearengen Ware and Chairman Myron Lowery .
Bill Morrison was absent

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Reverend Dr. Craig Strickland from Hope Presbyterian Church. Councilman Hedgepeth presented Reverend Dr. Strickland with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of June 2, 2009 with the following motion:

MOTION: Ware
SECOND: Ford
AYES: Brown, Collins, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Strickland, Ware and Chairman Lowery
Boyd and Halbert did not cast a vote
Morrison was absent

APPROVED

18. **RESOLUTION APPROVING THE EMPLOYMENT OF STINSON, MORRISON, HECKER LLP FOR LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED-UPON HOURLY RATE.**

DROPPED

1. **RESOLUTION COMMENDING LAURENCE V. PLUMMER, SR. ON RECEIVING JOHN HANCOCK'S TOP SALES PERFORMER AWARD.**

MOTION: Lowery

SECOND: Ford

APPROVED, by unanimous voice vote

CONSENT AGENDA – Items 2-8 may be acted upon by one motion: SEE PAGE 2921 FOR ROLL CALL

2. **ORDINANCE AMENDING CHAPTER 20, SECTION 20-21 SO AS TO EXERCISE THE CITY OF MEMPHIS GOVERNMENT'S STATUTORY OPTION TO OPT OUT OF ANY STATE LAW THAT WOULD AUTHORIZE THE CARRYING OF FIREARMS ON PUBLIC PARKS, PLAYGROUNDS, CIVIC CENTERS, AND OTHER PUBLIC RECREATIONAL BUILDINGS AND GROUNDS, UP FOR F I R S T READING.**

Ordinance No. 5320

Chairman Lowery recognized the following person who spoke from the audience:

Ronald Daniels, 2351 Forrest Ave., Mphs, TN 38112

APPROVED, on First reading

3. **ORDINANCE FIXING TAX RATE OF THE CITY OF MEMPHIS FOR THE BOARD OF EDUCATION OF THE MEMPHIS CITY SCHOOLS, UP FOR S E C O N D READING.**

Ordinance No. 5319

APPROVED, on Second reading

4. **RESOLUTION APPROVING FINAL PLAT OF DOLLAR GENERAL-SHELBY DRIVE SUBDIVISION.**

Case No. S 09-002

Resolution approves the final plat located on the north side of Shelby Drive, west of Tchulahoma Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED**5. RESOLUTION ACCEPTING MACON ROAD SEWER OUTFALL, AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-5045)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Macon Road, 570 feet + west of Houston Levee Road. The standard improvement contract was approved on January 2, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$50,800.00.

City Engineer recommends approval

APPROVED**6. RESOLUTION ACCEPTING MCKINLEY PARK SUBDIVISION, AND AUTHORIZING RELEASE OF BOND.**

Case No. S 06-065
(Contract No. CR-5081)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the northwest and southwest corners of McKinley Ave. and Polk Ave. The standard improvement contract was approved on July 10, 2007. Resolution also authorizes the release of the performance bond in the amount of \$677,900.00.

City Engineer recommends approval

APPROVED**7. RESOLUTION APPROVING FINAL PLAT OF RIVERWOOD FARMS K5 SCHOOL.**

Contract No. CR-5140

Resolution approves the final plat, located south of Riverwood Farms Parkway, east of Dexter Lane. Cost of the required improvements to be borne by the Agency and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED**8. NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. PD 08-306cc – Canale Grove P.D.

B. Case No. UV 08-11cc

Public Hearing set for July 7, 2009

ROLL CALL CONSENT ITEMS

MOTION: Ford
SECOND: Ware
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland,
Ware and Chairman Lowery
NAYS: Conrad
Morrison was absent

APPROVED

MLGW FISCAL CONSENT – Items 9-17 may be acted upon by one motion:

9. **RESOLUTION AWARDDING CONTRACT NO. 11308, LINE CLEARANCE, TO BLUME TREE SERVICES, INC. IN THE FUNDED AMOUNT OF \$45,644,600.00.**

APPROVED

10. **RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 11040, SURVEYING SERVICES, WITH BENCHMARK-OLLAR SURVEYING IN THE FUNDED AMOUNT OF \$256,534.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE FOURTH AND FINAL RENEWAL TERM, JULY 19, 2009 TO JULY 18, 2010, WITH NO INCREASE IN RATES).**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11092, OVER-THE-PHONE INTERPRETER SERVICE, WITH LANGUAGE LINE SERVICES IN THE FUNDED AMOUNT OF \$53,690.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE THIRD OF FOUR RENEWAL TERMS, AUGUST 1, 2009 TO JULY 31, 2010, WITH NO INCREASE IN RATES).**

APPROVED

12. **RESOLUTION AWARDDING CONTRACT FOR ONE GALVANIZED STEEL TRANSMISSION POLE TO FORT WORTH TOWERS, INC. IN THE AMOUNT OF \$56,459.00.**

APPROVED

13. **RESOLUTION AWARDING CONTRACT FOR STEP VOLTAGE LINE REGULATORS TO HOWARD INDUSTRIES, INC. IN THE AMOUNT OF \$67,626.00.**

APPROVED

14. **RESOLUTION AWARDING CONTRACT FOR A SECURITY INFORMATION AND EVENT-MONITORING SYSTEM TO VENTURE TECHNOLOGIES IN THE AMOUNT OF \$309,044.58.**

APPROVED

15. **RESOLUTION APPROVING PAYMENT OF ANNUAL SUBSCRIPTION FEE TO ENERGY WORLDNET, INC. IN THE AMOUNT OF \$36,480.00.**

APPROVED

16. **RESOLUTION APPROVING THE EMPLOYMENT OF SPICER, FLYNN & RUDSTROM FOR LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED-UPON HOURLY RATES.**

APPROVED

17. **RESOLUTION APPROVING THE EMPLOYMENT OF KEAN, MILLER, HAWTHORNE, D'ARMOND, MCCOWAN & JARMAN LLP FOR LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED-UPON HOURLY RATES.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Ware
SECOND: Strickland
AYES: Boyd, Collins, Conrad, Flinn, Fullilove, Halbert, Hedgepeth, Strickland, Ware
and Chairman Lowery
Brown and Ford did not cast a vote
Morrison was absent

APPROVED, with the exception of Item #18, which was dropped. See earlier in minutes

19. **RESOLUTION TO ESTABLISH THE MEMPHIS LIGHT GAS AND WATER DIVISION IN LIEU-OF TAX PAYMENT OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2010.**

MOTION: Halbert
SECOND: Boyd
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth,
Strickland, Ware and Chairman Lowery

Morrison was absent

APPROVED

20. **RESOLUTION TO DIRECT THE CITY TREASURER TO PREPARE TAX BILLS FOR THE VARIOUS UTILITIES AND CARRIERS UTILIZING THE LAST CERTIFIED ASSESSMENT AS OF JUNE 30, 2008.**

MOTION: Halbert
SECOND: Boyd
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Ware and
Chairman Lowery
Hedgepeth and Strickland
Morrison was absent

APPROVED

21. **RESOLUTION TO APPROVE THE FY 2010 BUDGET FOR THE CENTER CITY COMMISSION.**

MOTION: Halbert
SECOND: Boyd
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth,
Strickland, Ware and Chairman Lowery
Morrison was absent

APPROVED

22. **ORDINANCE TO AMEND PREVIOUS ORDINANCE 4388, CODIFIED AS CITY CODE, ARTICLE 6, SECTION 2-331(A), TO EXTEND THE SUNSET CLAUSE SET FORTH THEREIN UNTIL JUNE 30, 2010, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5316

MOTION: Flinn
SECOND: Ford
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth,
Strickland, Ware and Chairman Lowery
Morrison was absent

APPROVED

23. **ORDINANCE TO AMEND CHAPTER 21, ARTICLE IX, CODE OF ORDINANCES, CITY OF MEMPHIS, AS TO UPDATE REGULATIONS FOR THE INSPECTION OF MOTOR VEHICLES, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5317

MOTION: Brown – Send back to Committee

Without objection, item sent back to Committee

24. **ORDINANCE TO AMEND CABLE FRANCHISE ORDINANCE NO.4159, EXTENDING THE FRANCHISE ORDINANCE, AS AMENDED, THROUGH OCTOBER 6, 2009, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5318

MOTION: Boyd

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Strickland, Ware,
and Chairman Lowery
Hedgepeth did not cast a vote
Morrison was absent

APPROVED

25. **RESOLUTION WAIVING TAXES FOR WILLING SOULS MISSIONARY BAPTIST CHURCH.**

MOTION: Halbert

SECOND: Ford

AYES: Boyd, Brown, Collins, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Strickland,
Ware and Chairman Lowery
Flinn did not cast a vote
Morrison was absent

APPROVED

26. **RESOLUTION ACCEPTING A GRANT FUND IN THE AMOUNT OF \$129,336.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD). RESOLUTION TO ALSO ESTABLISH THE USE OF THE \$129,336.00 IN THE FY 2009 HUD SHELTER PLUS CARE GRANT FUNDS THAT WILL BE USED BY THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT FOR PLANNED ACTIVITIES FOR THE LOW-INCOME HOMELESS AND SPECIAL NEEDS POPULATIONS. THE RESOLUTION WILL ALSO APPROPRIATE \$129,336.00 FUNDED BY THE HUD SHELTER PLUS CARE GRANT PROJECT NUMBER TN37C701021 WHICH WILL BE USED BY THE PROJECT SPONSOR, FAMILY SERVICES OF THE MID-SOUTH, TO CONTINUE THE IMPLEMENTATION OF THE RENTAL ASSISTANCE PROGRAM, CD90021.**

MOTION: Ford

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth,
Strickland, Ware and Chairman Lowery

Morrison was absent

APPROVED

27. **RESOLUTION RECOGNIZING THE CITY OF MEMPHIS OFFICE OF CITY ATTORNEY'S PARTICIPATION IN AND PURSUIT OF LITIGATION ON BEHALF OF THE CITY OF MEMPHIS TARGETED AT MORTGAGE LENDING INSTITUTIONS THAT HAVE PARTICIPATED IN UNLAWFUL, IRRESPONSIBLE, UNFAIR, DECEPTIVE AND DISCRIMINATORY LENDING PRACTICES WHICH HAVE RESULTED IN DISPROPORTIONABLY HIGH RATES OF FORECLOSURES IMPACTING PREDOMINATELY AFRICAN AMERICAN NEIGHBORHOODS OF MEMPHIS AND SHELBY COUNTY.**

MOTION: Lowery

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Ware and Chairman Lowery
Strickland recused
Morrison was absent

APPROVED

28. **RESOLUTION REQUESTING CITY COUNCIL APPROVAL OF USE AGREEMENT BETWEEN CITY OF MEMPHIS THROUGH THE DIVISION OF PARK SERVICES AND MEMPHIS BOYS ATHLETIC ASSOCIATION (MBAA) FOR USE OF BASEBALL FACILITIES AT HALLE PARK COMPLEX, AT 2824 MT. MORIAH AVENUE, FOR YOUTH AND ADULT BASEBALL RECREATIONAL ACTIVITIES. THE AGREEMENT IS FOR AN INITIAL TWO (2) YEAR PERIOD WITH AN OPTION TO EXTEND FOR AN ADDITIONAL TWO (2) YEARS.**

MOTION: Strickland

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland, Ware and Chairman Lowery
Morrison was absent

APPROVED

29. **RESOLUTION INCLUDING GOLF IRRIGATION, CIP PROJECT NUMBER PK06006, AS PART OF THE FY 2009 CAPITAL IMPROVEMENT PROGRAM. THE RESOLUTION SEEKS TO APPROPRIATE \$1,088,000.00 IN CONSTRUCTION, FUNDED BY G.O. BONDS GENERAL.**

MOTION: Strickland

SECOND: Ford

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth,

Strickland, Ware and Chairman Lowery
Morrison was absent

APPROVED

30. **RESOLUTION AMENDING THE FY 2009 CAPITAL IMPROVEMENT BUDGET AND APPROPRIATING FUNDS BY TRANSFERRING AN ALLOCATION OF \$450,000.00 FUNDED BY G.O. BONDS –GENERAL FROM ARCHITECTURE AND ENGINEERING TO CONSTRUCTION COST FOR ARWINE FY 09, PROJECT NUMBER PW01196 FOR CONSTRUCTION DONE BY CITY EMPLOYEES.**

MOTION: Boyd
SECOND: Strickland
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Strickland, Ware
and Chairman Lowery
Hedgepeth did not cast a vote
Morrison was absent

APPROVED

31. **RESOLUTION APPROPRIATING \$954,718.00 FUNDED BY SEWER REVENUE BONDS IN WOLF RIVER INTERCEPTOR, PROJECT NUMBER SW04004 FOR A CONSTRUCTION CONTRACT WITH ARGO CONSTRUCTION.**

MOTION: Boyd
SECOND: Strickland
AYES: Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland,
Ware and Chairman Lowery
Boyd did not cast a vote
Morrison was absent

APPROVED

32. **RESOLUTION AMENDING THE FY 2009 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$535,684.00 FUNDED BY GO BONDS – GENERAL (STORM WATER) FROM DRAINAGE – ST, PROJECT NUMBER ST03006 TO ROYSTER BAYOU DETENTION, PROJECT NUMBER ST03106 FOR A DRAINAGE IMPROVEMENT CONSTRUCTION CONTRACT WITH FERRELL PAVING.**

MOTION: Boyd
SECOND: Strickland
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth,
Strickland, Ware and Chairman Lowery
Morrison was absent

APPROVED

33. **RESOLUTION ENCOURAGING RESTAURANT OWNERS AND OTHER PLACES SERVING ALCOHOL TO POST SIGNS PROHIBITING GUNS INSIDE THEIR ESTABLISHMENTS.**

MOTION: Collins
SECOND: Fullilove
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Strickland, Ware and Chairman Lowery
NAYS: Conrad and Hedgepeth
Morrison was absent

APPROVED

38. **RESOLUTION AMENDING THE FY 2009 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$421,200.00 FUNDED BY G.O. BONDS-GENERAL FROM BRIDGE REPAIR, PROJECT NUMBER PW02001 TO N. SECOND ST BRIDGE PAINT, PROJECT NUMBER PW02033 FOR A CONSTRUCTION CONTRACT WITH INDUSTRIAL PAINTING LTD, INC.**

MOTION: Boyd
SECOND: Strickland
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland, Ware and Chairman Lowery
Morrison was absent

APPROVED

39. **RESOLUTION AMENDING THE FY 2009 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$132,987.00 FUNDED BY G.O. BONDS-GENERAL FROM BRIDGE REPAIR, PROJECT NUMBER PW02001 TO BR-RAIL REP VARIOUS LOCATIONS, PROJECT NUMBER PW02028 FOR A CONSTRUCTION CONTRACT WITH CHRIS-HILL CONSTRUCTION.**

MOTION: Boyd
SECOND: Collins
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland, Ware and Chairman Lowery
Morrison was absent

APPROVED

34. **RESOLUTION TO APPROVE THE CAPITAL ACQUISITION BUDGET AND THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2010 – 2014.**

Chairman Lowery recognized the following person who spoke from the audience:

Charlestine Mitchell, 5338 Gemstone Way, Mphs, TN 38109

MOTION: Ford – Move \$1,000,000.00 from FY 11 to FY 10
 SECOND: Fullilove
 AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland, Ware and
 Chairman Lowery
 NAYS: Conrad
 Brown did not cast a vote
 Morrison was absent

MAIN MOTION: Conrad
 SECOND: Boyd
 AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland,
 Ware and Chairman Lowery
 Brown did not cast a vote
 Morrison was absent

APPROVED, as amended. Set up as Special Item #1

35. **ORDINANCE ESTABLISHING THE FISCAL YEAR 2010 OPERATING BUDGET FOR THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5313

ORDINANCE to appropriate the proceeds of the Tax Levy on the assessed values on all properties of every species within the City limits for general purposes for the Fiscal Year July 1, 2009, through June 30, 2010.

MOTION: Halbert
 SECOND: Collins

Chairman Lowery stated that we will follow the summary for each division and go through each division for the wrap up and then the final budget

City Court Clerk Budget

MOTION: Collins –Add the cost of red light cameras to City Court Clerk’s Budget
 SECOND: Fullilove

After Collins made his motion regarding red light cameras, Councilwoman Halbert stated that because this item failed in Committee, it is out of order and there should be a vote on the suspension of the rules. Councilman Lowery stated that since this item failed in Committee it can be heard before the full Council and not a suspension of the rules. After Attorney Wade gave an explanation of the process, Councilwoman Halbert and Brown objected

MOTION: Strickland – Move to suspend the rules to consider this matter this afternoon
SECOND: Fullilove
AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Strickland and
Chairman Lowery
NAYS: Halbert
Brown and Ware did not cast a vote
Morrison was absent

APPROVED, rules suspended. Set up as Special Item #2

Friendly Amendment: The proceeds from the red light cameras would go specifically to
Public Safety for cameras and GPS systems in the cars

Without Objection, the maker of the motion accepted this friendly amendment

MOTION: Collins –Add the cost of red light cameras to City Court Clerk’s Budget
SECOND: Fullilove
AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Strickland, Ware,
and Chairman Lowery
NAYS: Brown and Halbert
Morrison was absent

APPROVED, set up as Special Item #3

Grants and Agencies

MOTION: Fullilove – Restore funding of \$929,260 to MIFA at the 2009 level
SECOND: Ware
AYES: Brown, Conrad, Fullilove, Halbert, Ware and Chairman Lowery
NAYS: Boyd, Collins, Flinn Hedgepeth and Strickland
Ford did not cast a vote
Morrison was absent

APPROVED, set up as Special Item #4

Police Services

MOTION: Brown – Restore \$3,442,000.00 back to the Police Services Budget

Motion failed for the lack of a second

Park Services

Chairman Lowery recognized the following person who spoke from the audience:

Stephen Lang, 4443 Sequoia, Mphs, TN 38117

MOTION: Fullilove – Restore \$15,000.00 to Tennis Memphis
SECOND: Halbert
AYES: Brown, Ford, Fullilove, Halbert and Chairman Lowery
NAYS: Boyd, Collins, Conrad, Flinn, Hedgepeth, Strickland and Ware
Morrison was absent

FAILED, set up as Special Item #5

City Court Judges

MOTION: Restore travel back to City Court Judges

Chairman Lowery stated that there was no vote on reducing travel. Councilman Strickland stated that the travel was moved back to the 2007 or 2008 level which reduced the travel but did not eliminate it. Roland McElrath said there was not a reduction in travel

City Council

MOTION: Brown – Restore vacant position back to City Council Budget
SECOND: Ware
AYES: Brown, Fullilove and Ware
NAYS: Boyd, Collins, Conrad, Flinn, Halbert, Hedgepeth, Strickland and Chairman Lowery
Ford did not cast a vote
Morrison was absent

FAILED, set up as Special Item #6

Public Services Division

Chairman Lowery recognized the following person who spoke from the audience:

Chris Mance, 31 S. McLean, Mphs, TN 38104 (no appearance card on file)

MOTION: Strickland – Restore \$125,000.00 to MSARC
SECOND: Boyd
AYES: Boyd, Flinn, Fullilove, Hedgepeth, Strickland and Chairman Lowery
NAYS: Collins, Conrad, Ford, Halbert and Ware
Brown did not cast a vote
Morrison was absent

APPROVED, set up as Special Item #7

Memphis & Shelby County Music Commission

MOTION: Fullilove – Restore up to \$75,000.00 to the Memphis and Shelby County Music Commission's Budget
SECOND: Ware
AYES: Brown, Ford, Fullilove, Halbert and Ware
NAYS: Boyd, Collins, Conrad, Hedgepeth, Strickland and Chairman Lowery
Flinn recused
Morrison was absent

FAILED, set up as Special Item #8

Second Chance Program

MOTION: Fullilove – Add \$100,000.00 for a grant writer for the second chance program
SECOND: Brown
AYES: Brown, Ford, Fullilove and Ware
NAYS: Boyd, Collins, Conrad, Flinn, Hedgepeth, Strickland and Chairman Lowery
Halbert abstained
Morrison was absent

FAILED, set up as Special Item #9

MOTION: Conrad – Eliminate the cars for the Director and Deputy Director
(motion withdrawn to the end)
SECOND: Strickland
(Second withdrawn by Strickland)
SECOND: Flinn

Set up as Special Item #10. Councilman Conrad withdrew his motion to the end of the discussion

MOTION: Hedgepeth - Deal with this at the very end

Councilman Lowery ruled Councilman Hedgepeth out of order

MOTION: Brown – Add \$2,000,000.00 back to the Public Services Division

Motion failed for the lack of a second

Engineering Division

MOTION: Brown – Restore \$167,892.00 back to the budget for travel

Motion failed for the lack of a second

Fire Services Division

MOTION: Brown – Restore \$1,219,389.00 back to the Fire budget

Motion failed for lack of a second

MOTION: Collins – Reduce the overall budget by \$3,807,000.00 as it pertains to one half of the Health Department former allocation through the negotiations of the Ad hoc Committee

Motion failed for the lack of a second

Ten minute recess taken at 7:25 p.m.

The meeting reconvened at 7:40 p.m.

Chairman Lowery recognized the following persons who spoke from the audience:

Dewayne Jones, 3503 Southland, Mphs, TN 38109
Carol Collinsworth, 3129 Cowden, Mphs, TN 38111
J.D. Sewell, 638 Jefferson, Mphs, TN 38105
Kent Pruett, 4260 Eastern Cove, Mphs, TN 38122
Perry Cathey, 6645 Ricks Rd., Arlington, TN 38002

MOTION: Flinn – Reduce the Personnel line for the City of Memphis by \$11,864,631

SECOND: Hedgepeth

Friendly Amendment: Halbert - Cut the 3% raise to 1.5 % raise

Councilman Flinn did not accept this friendly amendment
(Since Councilman Flinn did not accept this friendly amendment, Councilwoman Halbert put it on the table in the form of a motion)

MOTION: Halbert – Cut the 3% raise in half to 1.5 %

(After a discussion by Attorney Wade and Council members Councilwoman Halbert withdrew her motion so that Flinn's motion could be voted on first)

MOTION WITHDRAWN

AYES: Collins, Conrad, Flinn, Hedgepeth, Strickland and Chairman Lowery

NAYS: Boyd, Brown, Ford, Fullilove, Halbert and Ware
Morrison was absent

FAILED, set up as Special Item #11

After Councilwoman Halbert made the following motion below, Councilman Strickland asked the maker of the motion, Councilwoman Halbert, if she could divide the question because of a conflict that he has with voting on any legal matters. Councilwoman Halbert said no to dividing the question. Then Councilman Strickland made a motion to divide the question. His motion was voted on first and set up as Special item #13. Councilman Lowery asked is there any objection to dividing the question. Councilwoman Ware and Councilman Brown objected. Councilman Strickland explained why he wanted to divide the vote. Attorney Wade also made comments. Then a vote was taken to divide the question.

MOTION: Strickland – Divide the question
SECOND: Flinn
AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland, Ware and Chairman Lowery
NAYS: Brown
Morrison was absent

APPROVED, question divided. Set up as Special Item #13

Councilman Lowery stated that what we have on the floor is a 1.5% reduction minus the Legal budget

MOTION: Halbert – Cut the 3% raise to 1.5%
SECOND: Conrad
AYES: Boyd, Collins, Conrad and Halbert
NAYS: Brown, Flinn, Ford, Fullilove, Hedgepeth, Strickland, Ware and Chairman Lowery
Morrison was absent

FAILED, set up as Special Item #12

MOTION: Conrad – Reduce the number of Personnel by 100, excluding Police
SECOND: Flinn

Friendly Amendment: Strickland – Move to exclude Fire personnel and any vacant positions

Councilman Flinn accepted this Friendly Amendment

AYES: Collins, Conrad, Flinn, Hedgepeth and Strickland
NAYS: Boyd, Brown, Ford, Fullilove, Halbert, Ware and Chairman Lowery
Morrison was absent

FAILED, set up as Special Item #14

Friendly Amendment: Halbert – Remove City Judges, Reduce Community Enhancement by ½, Remove Human Resources, do the same throughout City Government for temporary positions

Chairman Lowery asked Councilman Strickland if he accepts this as a friendly amendment. Councilman Strickland stated that he will split the question.

Chairman Lowery stated that without objection, we will split the question

Councilwoman Halbert withdrew the temporary portion and will take it at the end

AYES: Boyd, Collins, Conrad, Flinn, Halbert, Hedgepeth, Strickland
NAYS: Brown, Ford, Fullilove, Ware and Chairman Lowery
Morrison was absent

APPROVED, question split. Set up as Special Item #15

Friendly Amendment: Boyd – Remove \$339,000.00 from Personnel

Councilman Strickland did not accept this as a friendly amendment

MOTION: Strickland – Move to cut \$2,769,426.00. I am moving to cut the vacancies in Judges, Community Enhancement, Finance, General Services, Human Resources and OPD
SECOND: Collins
AYES: Boyd, Collins, Conrad, Flinn, Hedgepeth and Strickland
NAYS: Brown, Ford, Fullilove, Halbert, Ware and Chairman Lowery
Morrison was absent

FAILED, set up as Special Item #16

Councilman Collins asked Councilman Strickland if he could separate the question. Councilman Strickland stated that he could separate the items

MOTION: Strickland – Cut from Police Dept. - Seminars \$39,000, Travel \$66,000, 2 Secretaries, 88,052, 1 Clerk, 30,726
SECOND: Flinn
AYES: Boyd, Collins, Conrad, Flinn, Hedgepeth and Strickland
NAYS: Brown, Ford, Fullilove, Halbert, Ware and Chairman Lowery
Morrison was absent

FAILED, set up as Special Item #18

MOTION: Strickland – Cut from City Council – Seminars \$7,153, Travel \$30,000, Cell Phones \$2,000, Food 7,500
SECOND: Hedgepeth
AYES: Boyd, Collins, Conrad, Flinn, Hedgepeth and Strickland
NAYS: Brown, Ford, Fullilove, Halbert, Ware and Chairman Lowery
Morrison was absent

FAILED, set up as Special Item #19

MOTION: Strickland – Cut from City Court Clerk – Seminars \$10,000, Travel \$10,000, Furniture \$15,000, Mileage \$4,000
SECOND: Flinn
AYES: Boyd, Conrad, Flinn, Hedgepeth and Strickland
NAYS: Brown, Ford, Fullilove, Halbert, Ware and Chairman Lowery
Collins did not cast a vote
Morrison was absent

FAILED, set up as Special Item #20

MOTION: Strickland – Cut from HCD – Travel \$9,570, Dues and Memberships \$7,800
SECOND: Flinn
AYES: Conrad, Flinn and Strickland
NAYS: Brown, Ford, Fullilove, Halbert, Ware and Chairman Lowery
Boyd, Collins and Hedgepeth did not cast a vote
Morrison was absent

FAILED, set up as Special Item #21

MOTION: Strickland – Cut from Judges – Travel \$14,362
SECOND: Flinn
AYES: Boyd, Conrad, Flinn, Hedgepeth and Strickland
NAYS: Brown, Ford, Fullilove, Halbert, Ware and Chairman Lowery
Collins did not cast a vote
Morrison was absent

FAILED, set up as Special Item #22

MOTION: Strickland – Cut from General Services – Travel \$4,500, Rewards and Recognition \$1,000, Seminars \$14,950, Furniture \$5,000
SECOND: Flinn
AYES: Boyd, Conrad, Flinn, Hedgepeth and Strickland
NAYS: Brown, Ford, Fullilove, Halbert, Ware and Lowery
Collins did not cast a vote
Morrison was absent

FAILED, set up as Special Item #22A

After a separate vote was taken on all the above items, Councilman Strickland restated his cuts as a whole. Park Commission was added in for Travel for \$5,000 it was not voted on separately, but as a combined total

MAIN MOTION: Strickland

SECOND: Flinn
AYES: Boyd, Conrad, Flinn, Hedgepeth and Strickland
NAYS: Brown, Ford, Fullilove, Halbert, Ware and Chairman Lowery
Collins did not cast a vote
Morrison was absent

FAILED, set up as Special Item #17

MOTION: Strickland – Cut Part-time and Temporary positions - \$91,510
SECOND: Hedgepeth
AYES: Conrad, Flinn, Hedgepeth and Strickland
NAYS: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Ware and Chairman Lowery
Morrison was absent

FAILED. Set up as Special Item #24

5 minute recess taken

Roland McElrath stated that two positions were eliminated twice. Senior Accounts Payable Technician \$38,816 and Treasury Analyst \$42,101

MOTION: Strickland – Move to add these positions back in

Chairman Lowery stated that without objection, these items will be added back in

MOTION: Collins - Total Net expenditure of \$542,239,645 – no 3% increase for non-union employees and 15,959,635 from reserves
SECOND: Fullilove

Council Collins withdrew the 3% portion

AYES: Collins, Fullilove and Halbert
NAYS: Boyd, Brown, Conrad, Flinn, Ford, Hedgepeth, Strickland, Ware and Chairman Lowery
Morrison was absent

FAILED, set up as Special Item #25

MOTION: Ware – Adopt the budget as amended
SECOND: Brown

Friendly Amendment: Strickland – Split the question – minus the Legal Department

Councilwoman Ware accepted this as a Friendly Amendment

AYES: Boyd, Brown, Ford, Fullilove, Ware and Chairman Lowery

NAYS: Collins, Conrad, Flinn, Halbert, Hedgepeth and Strickland
Morrison was absent

FAILED, set up as Special Item #26

MOTION: Hedgepeth – Come back in two weeks
SECOND: Strickland

Councilman Lowery asked is there any objection. Mrs. Ware objected

Hedgepeth withdrew his motion

MOTION WITHDRAWN, set up as Special Item #27

MOTION: Halbert – Eliminate half of all vacant positions in City Government
SECOND: Conrad

Friendly Amendment: Conrad- Exclude Police

Councilwoman Halbert accepted this as a Friendly Amendment. Councilwoman Halbert added that any other position in any other division that does not have at least half of its positions eliminated, be cut across the board

MOTION WITHDRAWN, set up as Special Item #28

MOTION: Collins – Approve the budget of \$16,006,448 and take \$15,000,000 from cash reserve and designate in the event that we have the pay Memphis City Schools
SECOND: Conrad

Councilman Strickland requested that the Legal Division portion of the budget be separated. Councilman Lowery asked if any has a problem with separating the Legal Division portion from this vote. No councilmember had a problem with that

AYES: Boyd, Collins, Ford, Fullilove, Halbert and Ware
NAYS: Conrad, Flinn, Hedgepeth, Strickland and Chairman Lowery
Brown did not cast a vote
Morrison was absent

FAILED, set up as Special Item #29

MAIN MOTION: Collins – Reduce the budget by \$16,006,450 and we use 16,000,000 in cash reserves designated for Memphis City Schools in the event we have to pay Memphis City Schools based on the lawsuit
SECOND: Fullilove

Legal is separated out

Councilman Ford called for the question

AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert and Ware
NAYS: Conrad, Flinn, Hedgepeth, Strickland and Chairman Lowery
Morrison was absent

APPROVED, as amended. Set up as Special Item #30

MOTION: Collins – Include Legal
SECOND: Ford
AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert and Ware
NAYS: Conrad, Flinn, Hedgepeth and Lowery
Strickland recused
Morrison was absent

APPROVED, set up as Special Item #31

36. **RESOLUTION TO ESTABLISH THE 2009 CERTIFIED TAX RATE.**

MOTION: Halbert
SECOND: Ford
AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Ware and Lowery
NAYS: Conrad, Flinn, Hedgepeth and Strickland
Morrison was absent

APPROVED

37. **ORDINANCE FIXING THE TAX RATE OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2010, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5314

MOTION: Halbert
SECOND: Ford
AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Ware and Chairman Lowery
NAYS: Conrad, Flinn and Strickland
Hedgepeth did not cast a vote
Morrison was absent

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of June 16, 2009 for Items 19, 20, 21, 22, 29, 34, 35, 36, 37, 38, 39 and Special Item #31 with the following motion:

MOTION: Halbert

SECOND: Fullilove
AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Ware and Chairman Lowery
NAYS: Conrad and Strickland
Flinn and Hedgepeth did not cast a vote
Morrison was absent

APPROVED, set up as Special Item #32

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Lowery recognized the following persons who spoke from the audience:

Walter Broady, 4256 Ledbetter, Mphs, TN 38109
James R. Barbee, 5371 Sunstone Cv., Memphis, TN 38109

ADJOURNED MEETING AT 11:20 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records